

Serial Number 10/673,650

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REMARKS

In view of the preceding amendments and the following remarks, Applicants respectfully request the Examiner to reconsider the patent application identified above and withdraw the present rejection. Claims 1-3 and 5-10 are pending in the present application, all of which stand currently rejected.

Interview

Applicants thank the Examiner for the courtesy of an interview on January 22, 2007. Proposed amendments were discussed, including the inner body's proximal end overlapping the hypotube's longitudinal indentation, and the component(s) providing flexibility transition. The non-tubular cross-section of a portion of the hypotube was also discussed.

Specification:

The Examiner objected to the specification regarding antecedent basis for the claimed subject matter. In particular, the Examiner was unable to find a description in the specification of the "the hypotube as having a distal portion with an arcuate non-tubular cross-section."

The hypotube distal portion is depicted in figures 4, 7, 8, 13, 14, 15, and 20-22, all of which show that the hypotube distal portion is arcuate and not tubular.

35 U.S.C. §103:

The Examiner rejected Claims 1-3, 5, 6, and 8-10 under 35 U.S.C. §103(a) over Keith (U.S. 5,217,482) in view of Happ et al. (U.S. 6,575,958).

However, Applicants respectfully submit that the cited references fail to teach or suggest the present invention, as recited in the claims. For example, Claim 1 includes the following limitations, among others:

Serial Number 10/673,650

a hypotube having a proximal tubular portion, an intermediate tubular portion having a longitudinal indentation, *and a distal portion with an arcuate non-tubular cross-section;*

an inner tubular body having a proximal and distal end, and defining a proximal and distal guidewire port at each end respectively, and a guidewire lumen extending between the guidewire ports;

an outer tubular body having a proximal and distal end, and surrounding at least a portion of the inner tubular body;

the proximal ends of the inner and outer tubular bodies being affixed together and sealed to the hypotube at a point defined proximal to a transition between the intermediate and distal portions of the hypotube;

* * *

an inflation lumen extending from a proximal end of the hypotube, through the hypotube proximal and intermediate tubular portions, and through an annular space between the outer and inner tubular bodies, into an interior of the balloon;

the distal portion of the hypotube extending a distance into the outer tubular body; the intermediate tubular portion and the distal portion of the hypotube providing a transition in flexibility between the tubular portions of the hypotube to the inner and outer bodies;

the balloon catheter thus having a rapid-exchange configuration.

For further clarity, Applicants have amended the claims such that the distal portion with an arcuate cross-section is not tubular.

Applicants also have amended Claim 1 to recite that “the proximal ends of the inner and outer tubular bodies” are “sealed to the hypotube at a point defined proximal to a transition between the intermediate and distal portions of the hypotube;” as is shown in Figures 5 and 22.

Also, Applicants have amended Claim 1 to clarify that both of the intermediate and distal portions of the hypotube contribute to “providing a transition in flexibility”.

Serial Number 10/673,650

With particular reference to the Keith reference, item 74B is both tubular and indented, as is indicated in Figure 3 of the Keith reference. Accordingly, it fails to teach or suggest the hypotube component of the present invention, "having a proximal tubular portion, an intermediate tubular portion having a longitudinal indentation, and a distal portion with an arcuate non-tubular cross-section" which extends "a distance into the outer tubular body; providing a transition in flexibility between the tubular portions of the hypotube to the inner and outer bodies".

The Examiner is also correct that "Keith is silent on the distal portion of the hypotube having an arcuate non-tubular cross-section."

In addition, the Hap et al. reference fails to teach or suggest a hypotube having a longitudinal indentation, or the "inner and outer bodies being affixed together and seated to the hypotube of a point defined proximal to a transition between the intermediate and distal positions of the hypotube." Accordingly, the suggested combination of the hypotube of Hap et al. with the features of Keith would not result in the claimed invention.

The combination of features of the present invention, including the hypotube having a proximal tubular portion, an intermediate tubular portion having a longitudinal indentation, and a distal portion having an arcuate cross-section, provide the desired smooth transition flexibility.

The Examiner rejected Claim 7 under 35 U.S.C. §103(a) over Keith and Hap et al., and further in view of Ressemann et al. (U.S. 5,425,711). Applicants respectfully submit that the cited references fail to teach or suggest the subject matter of Claim 7, for the reasons set forth above.

Serial Number 10/673,650

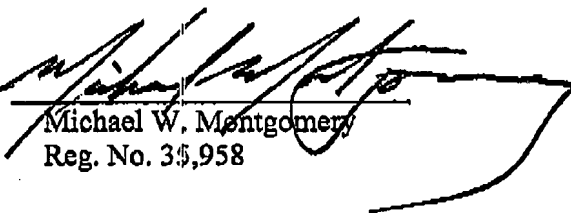
Accordingly, Applicants respectfully request the Examiner to allow the present invention.

Respectfully submitted,
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